IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.3133 of 2004

Borivali Prerna Co-op. Housing Society
Ltd. & Anr. ....Petitioners

Versus

1.Brihanmumbai Mahanagarpalika of
Greater Mumbai & Ors. ..Respondents

Mr. Shyam Mehta i/b.Joseph Fernandes for Petitioner
Mr. V. Mahadik, for Respondent No.1.
Mr. R.M. Sawant, Government Pleader for Respondent Nos. 4 and 5.

CORAM: F.I. REBELLO & S.P.KUKDAY, JJ.
DATE : 25th April,2005

. Considering the reliefs prayed for, the petition can be disposed of. The case of the petitioner is that they are the owner of the plot of land which is described in the petition. It is their case that the property is land blocked. Therefore, they applied to the respondent No.1 for access, in terms of the existing regulations. Till date the respondent No.1 has not acted on the same.

2. It is their further case that on the property which is owned by them one Shashak Co-operative Housing Society has put up construction and considering that they should be allowed to inspect the plans approved of Shashak Co-operative Housing Society so as to enable them to take such steps which in law they are entitled to.

3. In so far as the 1st relief is concerned, we find no difficulty. The respondent No.1 after considering the case of the petitioner and others likely to be affected to decide the application for access and if in law they are so entitled to pass such orders and the decision to be taken within 12 weeks

from today.

4. In so far as other relief is concerned on behalf of the respondent No.1 their Counsel points out that in the absence of specific details they are not in a position to give inspection of the plans approved in so far as Shashak Co-operative Housing Society is concerned.

5. Be that as it may, considering the grievance of the petitioner that Shashak Co-operative Housing Society has constructed on their land and considering the land it identified it will be open to the respondent No.1 if they do not have the details to give inspection to the petitioners based on the complaint made by the petitioners to call upon Shashak Co-operative Housing Society to submit details of the plans as approved by the respondent No.1 and then to furnish the necessary details to the petitioners. This exercise to be completed at any rate within six weeks from today.

. With the above direction Writ Petition disposed of.

(F.I.REBELLO, J.)

(S.P. KUKDAY, J.)